

Remarks

Claims 1-73 are pending in the instant application. Claims 1, 3, 9, 11, 13-16, 22, 24, 26, 28, 34, 36, 38-41, 43-44, 47, 49, 51, 59, 61-63, and 65 are directly amended herein.

Restriction Requirement Withdrawn

Applicant gratefully acknowledges the Examiner's withdrawal of the restriction requirement and restoration of Claims 65-73 to pending status such that all of Claims 1-73 are pending and presented for examination.

Allowable Subject Matter

Applicant gratefully acknowledges a statement by the Examiner that Claims 11, 24, 36, 49, and 61 are allowable if written in independent form. In accordance with the suggestion of the Examiner, Applicant has amended Claims 11, 24, 36, 49, and 61 to be in independent form including all of the limitations of the base claim and any intervening claims. Claims 11, 24, 36, 49 and 61 are thus submitted to be allowable. Applicant notes for the sake of completeness that Page 2 of the instant Office Action indicates that Claim 3 is objected to, but omits to mention that Claim 36 is also objected to. Since Claim 3 is rejected elsewhere in the Office Action, it is believed that the notation of Claim 3 as being objected to refers to Claim 36.

Claims Rejected Under 35 U.S.C. §102 (e) Over Lessard et al. (USPN 6,199,786)

Claims 1-10, 13-23, 26-35, 38-48, 51-60, 62, and 63 are rejected as being anticipated by Lessard et al. Lessard et al. is directed toward a wire reel having a side flange formed with a plurality of radially oriented and equally spaced spokes. Some of the spokes include markings that indicate the quantity of wire wound on the reel.

It is noted, however, that Claims 1, 13, and 51 have been amended to recite the spool as "having a quantity of material wrapped thereon, the material having a number of known characteristics", and further notes that Claims 26 and 38 have been amended to state that the

spool is "structured to have a quantity of material wrapped thereon, the material having a number of known characteristics". Additionally, Claims 1, 13, 26, 38, and 51 have all been amended such that they recite that the indication member additionally includes a second tab, that the at least first home tab defines a home position of the indication member, and that the second tab is a characteristic tab, with the at least first and second tabs each including an elongated dimension that extends in a generally radial direction with respect to a central axis of the core. It is further noted that Claims 1, 13, 26, 38, and 51 have each been amended to recite "the second tab being oriented at one of a plurality of known angles with respect to the at least first home tab; and the orientation of the second tab with respect to the at least first home tab corresponding with the characteristics of the material."

It is submitted that the instant amendments to such claims obviate the rejection thereof on the ground of anticipation over Lessard et al. since Lessard et al. does not disclose that a second tab is oriented at one of a plurality of known angles with respect to a home tab, with the orientation of the second tab with respect to the first home tab corresponding with the characteristics of a material having a number of known characteristics. It is submitted that the markings on the reel of Lessard et al. at most indicate only a *quantity* of material wound on the spool, but are not indicative of characteristics of the material when the material has a number of known characteristics.

It is thus submitted that the rejection of Claim 1 (as well as the rejection of Claims 2-10 and 11 which depend directly or indirectly therefrom), Claim 13 (as well as Claims 14-23 and 25 which depend directly or indirectly therefrom), Claim 26 (as well as Claims 27-35 and 37 which depend directly or indirectly therefrom), Claim 38 (as well as Claims 39-48 and 50 which depend directly or indirectly therefrom), and Claim 51 (along with Claims 52-60 and 62-63 which depend directly or indirectly therefrom) on the ground of anticipation over Lessard et al. has been successfully overcome. Withdrawal of the rejection is thus respectfully requested.

It is noted that Claim 3 has been amended to delete recitations that have been amended into Claim 1 and to make it grammatically correct. Claim 9 has similarly been amended to delete recitations that have been amended into Claim 1 and to make it grammatically correct.

Claim 9 is submitted to be allowable independently of its dependence from Claim 1 since Claim 9 has been amended to recite that the first and second support portions "are separated from one another". Lessard et al. includes no disclosure of first and second support portions that are

separated from one another. It is submitted that Claim 9 is thus allowable independently of its dependence from Claim 1. It is noted that Claim 22 is similarly amended and is allowable independently of its dependence from Claim 13. Claim 34 has also been similarly amended and is submitted to be allowable independently of its dependence from Claim 26. Claim 47 has been similarly amended and is submitted to be allowable independent of its dependence from Claim 38. Claim 59 has been similarly amended and is submitted to be allowable independently of its dependence from Claim 51. For these additional reasons, Applicant respectfully requests withdrawal of the rejection of Claims 9, 22, 34, 47, and 59 on the ground of anticipation over Lessard et al.

Claim 14 has been amended to recite that the support, the at least first tab, and the second tab are generally coplanar. It is submitted that this combination of elements, in addition to those elements from Claim 13 which is contended to be allowable, are allowable over Lessard et al.

Claim 15 as amended herein is submitted to be allowable independently of its dependence from Claim 13. Claim 15 recites that the core is structured to be rotated about a central axis, and that the rotational distance between the home position and the second tab corresponds with the characteristics of the material. Again, it is submitted that Lessard et al. includes no such disclosure since the spokes of Lessard are equally spaced and any markings on the spokes are intended solely to indicate a quantity of material wound on the spool, rather than corresponding with characteristics of the material. Claim 15 has additionally been amended to delete recitations that have been amended into Claim 13. Withdrawal of the rejection of Claim 15 on the ground of anticipation over Lessard et al. is thus respectfully requested.

Claims 16 and 22 have been amended to delete recitations that have been amended into Claim 13 and to make them grammatically correct.

Claims 28 and 34 have been amended to delete recitations that have been amended into Claim 26 and to make them grammatically correct.

Claim 39 has been amended to recite that the support, the at least first tab, and the second tab are generally coplanar. It is submitted that this combination of elements, in combination with the elements of Claim 38 which is submitted to be allowable, are allowable over Lessard et al.

Claim 40 has been amended to recite that the indication member is a thin sheet of an at least partially metallic material. Since Lessard et al. includes no disclosure of such an indication member, it is submitted that Claim 40 is allowable independently of its dependence from Claim

38. Claim 40 has additionally been amended to delete recitations that have been amended into Claim 38.

Claims 41, 43, and 44 also have been amended to delete recitations that have been amended into Claim 38 and to make them grammatically correct.

Claims 62 and 63 Rejection under 35 U.S.C. §112, Second Paragraph

Claim 62 has been rejected as being indefinite due to unclarity in the recitation "colored according to the specific arrangement of the tabs with respect to the support". Applicant has amended Claim 62 to recite "the color of the core corresponding with the orientation of the second tab with respect to the at least first home tab." It is submitted that such amendment, in combination with the amendment to Claim 51, is sufficiently clear and overcomes the rejection on the ground of indefiniteness. Withdrawal of the rejection is requested.

Claim 63 has been rejected on the ground of indefiniteness due to unclarity of the recitation "a color according to the specific arrangement of the tabs with respect to the support". Claim 63 has been amended to recite "a color corresponding with the orientation of the second tab with respect to the at least first home tab." It is submitted that such recitation, in combination with the amendments to Claims 62 and 51, overcome the rejection on the ground of indefiniteness. Withdrawal of the rejection is thus respectfully requested.

Claims Rejected Under 35 U.S.C. §102 (b) Over Barwick (USPN 4,111,378)

Claims 1-9, 13-22, 26-34, 38-47, 51-59, 62, 63, and 65-72 are rejected as being anticipated by Barwick. Barwick is directed toward a spool having attached thereto a wheel having teeth or notches that are equally spaced for the purpose of determining the quantity of ribbon wound onto a spool. It is submitted that such a geometry is very similar to Lessard et al. (which included equally spaced spokes and markings disposed on the spokes to indicate a quantity of material on the spool.)

It is submitted that the amendments to the claims set forth above overcome the rejection of Claims 1-9, 13-22, 26-34, 38-47, 51-59, 62, and 63 on the ground of anticipation over

Barwick for the same reasons set forth above regarding Lessard et al. Withdrawal of the rejection is thus respectfully requested.

It is noted that Claim 65 has been amended to additionally recite that the spool has a quantity of material wrapped thereon, the material having a number of known characteristics. Claim 65 has been further amended to recite a first tab being an at least first home tab and defining a home position of the indication member, and a second tab being a characteristic tab. Claim 65 has further been amended to recite that the at least first and second tabs each include an elongated dimension extending in a generally radial direction with respect to the support, and "the second tab being oriented at one of a plurality of known angles with respect to the at least first home tab; and the orientation of the second tab with respect to the at least the first home tab corresponding with the characteristics of the material".

It is submitted that Barwick includes no such disclosure. Rather, Barwick at most discloses equally spaced detectable structures that are employed only to ascertain a quantity of material wrapped on a spool, but does not include a second tab oriented at an angle with respect to the first tab, which orientation corresponds with a number of known characteristics of the material.

It is thus submitted that the rejection of Claim 65 on the ground of anticipation over Barwick has been successfully overcome. Inasmuch as Claims 66-72 depend directly or indirectly from Claim 65, it is submitted that they are likewise allowable over Barwick. Withdrawal of the rejection is thus respectfully requested.

Rejection Under 35 U.S.C. §103(a)

Claims 12, 25, 37, 50, 64 and 73 are rejected on the ground of obviousness over Barwick. It is submitted, however, that the aforementioned amendments place Claims 12, 25, 37, 50, 64, and 73 in condition for allowance due to their dependence from allowable claims. It is submitted that the rejection on the ground of obviousness over Barwick has been obviated. Withdrawal of the rejection is thus respectfully requested.

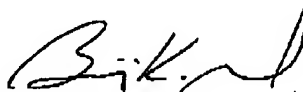
Claims 12, 25, 37, 50, and 64 are rejected on the ground of obviousness over Lessard et al. in view of Weber (USPN 5,153,625). Again, it is submitted that the amendments mentioned above place Claims 12, 25, 37, 50, and 64 in allowable condition due to their dependence from

allowable claims. It is thus submitted that the instant rejection on the ground of obviousness over Lessard et al. in view of Weber has been obviated. Withdrawal of the rejection is thus respectfully requested.

Conclusion

It is submitted that the various amendments set forth above place Claims 1-73 in allowable condition. Also, the amendments mentioned above, whether or not additionally deleting redundant subject matter or making the claim grammatically correct, are all made for the purpose of overcoming the art applied to the claims of the instant application. The art made of record but not applied has been reviewed and is deemed to be less relevant than the art applied.

A Notice of Allowance as to Claims 1-73 is thus earnestly requested. If any matters remain unresolved, a telephone call to the undersigned would be welcomed.



Brij K. Agarwal
Registration No. 43,507
Attorney for Applicant
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, Pennsylvania 15219

412-566-6183